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IN CONGRESS OF THE U. STATES Thirty-Second Congress-Second Session.

WEDNESDAY, JANUARY 5, 1853.

[IN CONTINUATION]

SENATE.

Mr. RUSK. Mr. President, I laid a resolution on the able some ten or tweive days ago, and I should be very lad to have it now taken up and acted upon. The Senate accordingly proceeded to the consideration

Mr. HALE. I wish to inquire, as a question of order, if three several readings are not necessary, the same as if it was a joint resolution, since it makes an appropriation

be question was stated to be on its passage.

UNDERWOOD. Mr. President, I think I underthe honorable senator from Texas, [Mr. Rusk,] the offered that resolution, to say that he offered it out any consultation whatever with my late cole, Mr. Meriwether, but that he had done so merely

myon his own motion.

Mr. RUSK, (in his seat.) That is correct.

Mr. UNDERWOOD. I have had no conversation upon the subject with Mr. Meriwether myself, in any way. I rise now for the purpose of stating that, unless I could be assured that Mr. Meriwether had authorized the application, I, for one, could not vote for it. I do it upon the ground, sir, that unless there was a controversy, and one which is acknowledged, there is no precedent for paying under such circumstances, and we ought not to set a new one. I was a member of Congress when the first precedent was set upon this subject, and I voted against the allowance of pay and micege in that case the contestant. I want to place all these contests for seats here upon the same ground with other contests, and make the individual enter upon the contest at his own responsibility, risking all the consequences. That was the practice of the House of Representatives from the foundation of the government, so far as my investigations have extended, down to the case of Moore and Letcher, when the case was decided against my opinion and against my vote. I have ever since that time acquiesced, without opening my mouth, in the decision of cases according to that precedent. It was followed up after that time by the Senate. I think there was no case before that time in the Senate which settled the precedent. That is my opinion, although I am not perfectly certain, as I have not investigated the proceedings in the Senate, as I did, at the time when that case occurred, the proceedings in the other branch of Congress. I think that since that occurred it has been followed in both branches of Congress.

Now, this is an enlargement upon that precedent, and one which I am not willing to make unless there was an avowed controversy between Mr. Meriwether and Mr. Dixon. If the controversy had been avowed upon the part of Mr. Meriwether, then, sir, the precedent would have justified the allowance; but there being no such controversy, I cannot vote for it.

Mr. SEWARD. Mr. President, I was in hopes this resolution would have passed unanimously. No one was more clearly satisfied in his own mind that Mr. Meriwether was not entitled to the seat claimed here, not by him but for him, than I was. But at the same time, it is due to him, and it is due to truth and justice, to say that

the question which was raised upon that seat was a new question, for which there was no precedent, and that some of the most distinguished senators upon this floor were of the opinion that Mr. Meriwether was entitled to the seat claimed by Mr. Dixon. I think that we should have had much greater difficulty in securing the seat to Mr. Dixon if Mr. Meriwether had appeared here and claimed it. I, therefore, am grateful to him and to his political friends in this body, that they should have relieved the question from that difficulty and embarrassment. They met it in a spirit of generosity: they met next. They met it in a spirit of generosity; they met it in a spirit of generosity; they met it in a spirit of generosity; they met it in a spirit of justice and magnanimity; and the materity of the body, agreeing with him in political sentiment, yielded to the convictions of the minority, and tave the seat to Mr. Dixon. I was certainly in hopes that as there was nothing new in the circumstances connected with this case, except the fact of delicacy on the part of Mr. Meriwether that he has not appeared in public claiming the seat, but has been standing back while some members of the Senate have maintained the questions.

The parameter flow or the contract of the cont

sate had been in favor of his right to the seat, he would have been the senator from Kentucky; and if absent, he would to some extent have neglected the duty imposed upon him by his commission. He came here quietly, kindises, and intrinsely with him, but so far as I have the Senate and from mingling with members; so and the best days in the service of the country, his manufaces, and intrinsely with him, but so far as I have the Senate and from mingling with members; so and to retire upon dispensing with one half of the senate and from mingling with members; so and to retire upon dispensing with one half of the senate and from mingling with members; so there is a standard as a sta

motion, and all the street of this bill we can render none of the other bills effective. This bill we can render none of the other bills effective. The cases royled for.

The cases, therefore, mentioned by the senator from New Hampshire will not be affected by this bill, unless that effect of the case is the renter of the case is the retrievance of the case the ment of officers and the perform duties pertaining to the case is when they shall ask or request to be so retired. No injustice can be done to a man who is retired, because he ask and requests it. Another case is, when an officer called upon to perform a duty pertaining to his office shall declare himself to be incompetent, either from wounds, disease, or age. The third case is when, from wounds, disease, or age, the President of the United States may ludge an officer to be incompetent; when he is to submit the question to a board of officers consisting of not less than three or more than five. These are the particular cases provided for.

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vanings of its fall—he having read it, and none of us havesteed and the control of the control o

strike out of the bill the words "the navy, and to the marine corps."

Mr. SHIELDS. I am perfectly willing to refer the whole matter to the Naval Committee, and they will do me a very great favor if they will take it upon their shoulders. The Committee on Military Aflairs have included the navy in this bill, because, on a former occasion, the Committee on Naval Affairs felt it rather hard because we introduced a bill for the army and did not include the navy. And another reason for including both in one bill was that they might be precisely upon the same footing; because, if one bill is brought in for the army, and another for the navy, they might differ in principle and in detail. But I will consent, if the senator wishes it, to refer the whole subject to the Naval Committee, and let them investigate it

army, and another for the navy, they mignt on the sensitor in the interpolation of the army, and no nor can or will do it interest the set the eclass of the class can be the may of the United States and the service who doubt; but this bill cannot of the interpolation will be class in more and perform that duty. Family and who do they not perform that duty. I and who by the present system as a little power that is not already vested by law in the exercises and the Secretary of the Navy can now the class is a many the secretary of the Navy can now the class is a many that the popele in repeating to a many that the secretary of the Navy can now the class is a many that the popele in repeating to a more being diving the popele who moved the United States and the Secretary of the Navy can now the secretary of the secretary of the Navy can now the secretary of the secretary of the Navy can now the secretary of the Na

of no person will be entered upon our books, unless the

lyir g to leew ard under easy sail, impatiently waiting the encounter. See her crew, elated with the remembrances of a hundred battles, in the hope, the joy, the expectation of an easy conquest. Hear their shouts of anticipated triumph, only checked by the certainty of too easy a victory. Now, sir, look to your own Constitution. See her bearing down to that frigate—that invincible frigate with Saint George's imperious and arrogant ensign. All is silent; no hurrying to or fro; no confusion; all ready to fisht and to die for their country. Again, sir, on board the British ship all is bustle, and hurry, and exaltation of anticipated victory. All is still and silent as death on board the Constitution. They could not hope for an easy victory; but there they were. I speak not merely of their courage, but of their devotion to their country and to their flag; they resolved to do or die. They bore down on the British frigate without a whisper being heard on her peopled deck.

They had heard of raking fires; they well knew their destructive effect. They had heard of the memorable tactics of the British pays and scone see the thememorable tactics of the British pays and scone see the thememorable tactics of the British pays and scone see the temperature.

But I must in candor say, that that committee, I believe, are not ready to report on so important a matter at the reorganization of the navy. The navy has not only been important, but with these war resolutions and these war speches dinging in our ears day after day, I consider it more important at this time than it ever has been. It is more important at this time than it ever has been. It is purposes of war; and I would rather make a motion now to abolish the navy of the United States than undertake to mend and patch it up by piece-meal. Let us go at it in good earnest and see what we can do for it. It has happened with the navy that since its first establishment there has never been any overhauling of its "personnel."

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The army has been pruned and culled two or three times, but the navy has never been interfered with in that way. The government has always acted on the presumption that a boy, who entered the navy when he was twelve years of age, was capable of commanding a ship and twearing the epaulets of a captain whenever he was promoted in turn to that rank. Apply that rule to the pursuits of the world generally: take any hundred men who promised well in their youth, and how many of them will you find who have realized the fond expectations of friends when they arrived at the age of mankood?

The thing speaks for itself. The navy needs reforming, not only because it never has been reformed, but because most of those persons who could get an appointment in the navy when boys are there now. The consequence of this system is, all the old officers who are in the service must continue to fill the most important places, fit or unfit. They are of high character, and have rendered the country great services, and should be honored, but not employed where younger men would do better. They do not belong to the school of progress; they may be old men who have not thought it necessary to keep up with the constant progress of naval affairs in the world. They may be men of high honor, of great courage, of exalted worth, men who maintained the honor and glory of the country in the battle and the breeze. But, sir, old age has come; they must retire, but it should be an honorable retirement. The ardor, the fire of youth is gone; they have not the same thing to excite them to exertion as younger men who are in the meridian of life, and who by the present system are kept entirely without employment such as their talents demand, until they in like manner are borne down with years.